

EXHIBIT 4

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF

CHARLES FERRARA

IRVINE, CALIFORNIA

JULY 7, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A33

1 A. Yes. 09:40:28

2 Q. And you're here today pursuant to this 09:40:29

3 Deposition Notice; is that correct? 09:40:32

4 A. Yes. 09:40:33

5 Q. And if you look at the caption page which is 09:40:33

6 at the bottom of page one and goes to the top of page 09:40:39

7 two, at the top of page two you're listed as one of 09:40:42

8 the Defendants; is that correct? 09:40:45

9 MS. HURLEY: Objection, the document speaks 09:40:47

10 for itself. Go ahead. 09:40:49

11 THE WITNESS: Yes. 09:40:50

12 BY MS. WOLFF: 09:40:51

13 Q. Have you ever used another name? 09:40:52

14 A. No. 09:40:55

15 Q. Did you review any documents in preparation 09:40:55

16 for your deposition today? 09:41:00

17 A. No. 09:41:02

18 Q. Did you discuss your deposition with anyone 09:41:02

19 besides your attorneys? 09:41:07

20 A. No. 09:41:08

21 Q. Have you ever spoken with any of the 09:41:09

22 Defendants about this lawsuit? 09:41:13

23 A. No. 09:41:14

24 Q. You've never spoken with your father about 09:41:15

25 this lawsuit? 09:41:22

1 your other family members lived in Hawaii for any 09:45:32
2 period of time? 09:45:35
3 A. My dad lived in Hawaii, I believe, when he 09:45:36
4 was, I don't know the years, but I believe that he 09:45:40
5 lived there for a little bit. 09:45:43
6 Q. Okay. Anyone else? 09:45:44
7 A. No. 09:45:46
8 Q. And do you have any other family members 09:45:46
9 other than the ones that we've just discussed who 09:45:51
10 live on the Palos Verde Peninsula now? 09:45:54
11 A. No. 09:45:57
12 Q. And did either of your parents grow up in 09:45:58
13 Palos Verdes Estates? 09:46:00
14 A. My dad did, yes, he grew up -- actually, he 09:46:02
15 grew up in, he moved to Palos Verdes Estates when he 09:46:06
16 was like 13. 09:46:11
17 Q. So, he went to the Palos Verdes High School? 09:46:11
18 A. Yeah. My mom is from there. 09:46:14
19 Q. Where did you attend high school? 09:46:17
20 A. Peninsula. 09:46:20
21 Q. Did you graduate? 09:46:21
22 A. No. I moved to Hawaii and I got my G.E.D. 09:46:22
23 Q. And when did you get your G.E.D.? 09:46:26
24 A. In '03. 09:46:28
25 Q. Did you play any sports in high school? 09:46:30

1 A. No, I wouldn't go surfing there in Hawaii, 10:59:35
2 yes. 10:59:38
3 Q. And why is that? 10:59:38
4 A. Because there are some spots that were 10:59:39
5 localized with the, you know. And then they were not 10:59:41
6 like, um, they were very -- I feel like prejudiced 10:59:46
7 over in Hawaii. 10:59:51
8 They really didn't like white people. And so 10:59:53
9 I just, instead of trying to get into a fight or 10:59:57
10 something or I just didn't want to deal with it. 11:00:01
11 Q. And so what did localized mean to you when 11:00:04
12 you were surfing in Hawaii? 11:00:07
13 MS. HURLEY: Objection, vague and ambiguous, 11:00:09
14 misstates testimony, lacks foundation. 11:00:11
15 THE WITNESS: Can you repeat the question. 11:00:13
16 BY MS. WOLFF: 11:00:15
17 Q. Sure. 11:00:15
18 What did localized mean to you when you were 11:00:15
19 surfing in Hawaii? 11:00:17
20 MS. HURLEY: Same objections. 11:00:19
21 THE WITNESS: Um, it just meant that, um, 11:00:20
22 there was a group of people that surfed there. I 11:00:34
23 mean, I don't know how to answer it anymore than just 11:00:40
24 it's local, like local going to a coffee shop or a 11:00:47
25 gas station or a restaurant. 11:00:50

1 good? 11:46:45

2 A. The conditions were good. There was swell. 11:46:45

3 Q. So, did you receive a phone call or a text 11:46:47

4 message from anyone encouraging you to go to Lunada 11:46:50

5 Bay that day -- 11:46:54

6 A. No. 11:46:54

7 Q. -- or an E-Mail for that matter? 11:46:54

8 A. No. 11:46:56

9 Q. And you hung out on the patio at Lunada Bay 11:46:56

10 on that day; right? 11:47:00

11 MS. HURLEY: Objection, vague and ambiguous. 11:47:03

12 THE WITNESS: I was not hanging out. I went 11:47:05

13 to go surfing. 11:47:06

14 BY MS. WOLFF: 11:47:07

15 Q. Did you spend any time on the patio at 11:47:08

16 Lunada Bay on that day? 11:47:13

17 A. That's where I got ready near the patio to go 11:47:14

18 surfing. 11:47:18

19 Q. And do you recall what time of day that you 11:47:19

20 were there on that day? 11:47:23

21 A. It was the morning. It was like maybe 7:30 11:47:24

22 or 8:00. 11:47:30

23 Q. And at some point Alan Johnston and Brant 11:47:32

24 Blakeman were at the patio as well; is that right? 11:47:35

25 A. Yes. 11:47:38

1 Q. And when they came into the patio where were 11:47:39
2 you? 11:47:44
3 A. I was on the top side, kind of just getting 11:47:44
4 ready to go out. I put my wet suit, I had my wet 11:47:49
5 suit already on. And I was getting ready to go 11:47:53
6 surfing. I was kind of looking at the ocean seeing 11:47:56
7 where I was going to paddle out exactly. 11:48:00
8 Q. Was anyone else at the patio at that time? 11:48:03
9 A. Yes. 11:48:06
10 Q. The Plaintiff? 11:48:12
11 A. I saw the Plaintiff there, yeah. 11:48:12
12 Q. Diana Reed? 11:48:15
13 A. Yeah, I saw her and one other, another one of 11:48:16
14 her friends. 11:48:19
15 Q. Was it a female or male? 11:48:19
16 A. Yeah, a female, yeah. I was just, I saw them 11:48:21
17 and I said, hi, good morning. I didn't know who they 11:48:27
18 were, just good morning. 11:48:31
19 And then I was going surfing. And as I was 11:48:33
20 getting ready to go out, I saw Brant and Alan walking 11:48:37
21 up to the patio. 11:48:42
22 Q. And do you recall what the other woman looked 11:48:43
23 like who was with Diana Reed? 11:48:45
24 A. I believe she had darker hair. That's about 11:48:48
25 it. 11:48:52

1 A. No, I wouldn't go surfing there in Hawaii, 10:59:35
2 yes. 10:59:38
3 Q. And why is that? 10:59:38
4 A. Because there are some spots that were 10:59:39
5 localized with the, you know. And then they were not 10:59:41
6 like, um, they were very -- I feel like prejudiced 10:59:46
7 over in Hawaii. 10:59:51
8 They really didn't like white people. And so 10:59:53
9 I just, instead of trying to get into a fight or 10:59:57
10 something or I just didn't want to deal with it. 11:00:01
11 Q. And so what did localized mean to you when 11:00:04
12 you were surfing in Hawaii? 11:00:07
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15 THE WITNESS: Can you repeat the question. 11:00:13
16 BY MS. WOLFF: 11:00:15
17 Q. Sure. 11:00:15
18 What did localized mean to you when you were 11:00:15
19 surfing in Hawaii? 11:00:17
20 MS. HURLEY: Same objections. 11:00:19
21 THE WITNESS: Um, it just meant that, um, 11:00:20
22 there was a group of people that surfed there. I 11:00:34
23 mean, I don't know how to answer it anymore than just 11:00:40
24 it's local, like local going to a coffee shop or a 11:00:47
25 gas station or a restaurant. 11:00:50

1	Q. Have you ever received an E-Mail asking you	12:52:22
2	to go out and surf because certain people were	12:52:24
3	expected to be present at Lunada Bay?	12:52:27
4	A. No.	12:52:29
5	Q. Have you ever been part of a group text that	12:52:30
6	discussed surfing at Lunada Bay?	12:52:37
7	A. No.	12:52:40
8	Q. Have you ever been part of a group E-Mail	12:52:40
9	chain that discussed surfing at Lunada Bay?	12:52:44
10	A. No.	12:52:47
11	Q. Do you know if there's any FaceBook page	12:52:47
12	that's devoted to people who regularly surf at	12:52:58
13	Lunada Bay?	12:53:02
14	A. No.	12:53:02
15	Q. Do you own a walkie-talkie?	12:53:03
16	A. No.	12:53:08
17	Q. Do you own a police scanner?	12:53:08
18	A. No.	12:53:10
19	Q. Have you ever had any issues with your cell	12:53:11
20	phone working at Lunada Bay down by the beach?	12:53:17
21	A. Yeah, I don't get service down there.	12:53:22
22	Q. Have you ever gotten service down there with	12:53:23
23	any of your cell phone providers?	12:53:27
24	A. No. It's really pretty bad no matter what.	12:53:28
25	Q. Okay. Since this lawsuit was filed in March	12:53:31

1 of last year, have you done anything to preserve the 12:53:42
2 information that's on your phone, including 12:53:47
3 photographs and text messages? 12:53:49
4 A. No. 12:53:50
5 Q. Have you deleted any text messages or 12:53:51
6 photographs on your phone that relate to surfing 12:53:57
7 since this lawsuit was filed? 12:54:01
8 A. No. 12:54:03
9 Q. And I don't want to know about conversations 12:54:03
10 that you've had with your attorney, but you're aware 12:54:18
11 that you have an obligation to preserve all 12:54:21
12 information that you have that's potentially related 12:54:24
13 to this lawsuit? 12:54:26
14 MS. HURLEY: Objection, argumentative, vague 12:54:28
15 and ambiguous, lacks foundation. 12:54:30
16 THE WITNESS: Can you -- 12:54:32
17 BY MS. WOLFF: 12:54:33
18 Q. Do you want me to repeat it? 12:54:34
19 A. Or rephrase it, I don't understand. 12:54:36
20 Q. Are you aware that you're supposed to 12:54:38
21 maintain everything that you have in your possession 12:54:42
22 that relates -- 12:54:44
23 A. Yes. 12:54:45
24 Q. -- that relates to this lawsuit? 12:54:45
25 A. Yes, yes. 12:54:46

1	A. Thank you.	09:44:24
2	Q. Your uncle is Angelo Ferrara and he's a	09:44:24
3	Defendant in this lawsuit; is that correct?	09:44:27
4	A. Yes, Ma'am.	09:44:29
5	Q. And what does he do for a living?	09:44:29
6	A. Auto body and paint, it's a body shop.	09:44:31
7	Q. Is he also a shaper?	09:44:35
8	A. Yes, but he's in auto body. He's an auto	09:44:38
9	body, he fixes cars and paints them.	09:44:41
10	Q. And your cousin is N.F., and you understand	09:44:44
11	that we're using his initials because when he was	09:44:49
12	first named in this lawsuit, he was a minor at the	09:44:51
13	time?	09:44:54
14	A. Yes.	09:44:54
15	Q. And he's also a Defendant in this lawsuit; is	09:44:55
16	that correct?	09:44:58
17	A. Yes.	09:44:58
18	Q. And is Leo Ferrara N.F.'s brother?	09:44:59
19	A. Yes.	09:45:04
20	Q. So, other than the conversation that you've	09:45:04
21	had with your father in the presence of your	09:45:14
22	attorneys, have you had any other conversations with	09:45:18
23	other family members about this lawsuit?	09:45:20
24	A. No.	09:45:22
25	Q. And aside from you and Felipa, have any of	09:45:22

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
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- - -

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VIDEOTAPED DEPOSITION OF

CHARLES FERRARA

IRVINE, CALIFORNIA

JULY 7, 2017

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REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A33

1 in Palos Verdes Estates about this lawsuit? 09:42:07

2 A. No. 09:42:10

3 Q. Where do you currently live? 09:42:10

4 A. I live in San Pedro. 09:42:11

5 Q. And your address? 09:42:13

6 MS. HURLEY: I'm going to object on the right 09:42:15

7 to privacy. The witness can be contacted through my 09:42:15

8 office. 09:42:15

9 And I'll instruct him not to answer. 09:42:17

10 MS. WOLFF: That's fine. 09:42:18

11 BY MS. WOLFF: 09:42:19

12 Q. How long have you lived in San Pedro? 09:42:20

13 A. One year. 09:42:23

14 Q. And where did you live before that? 09:42:26

15 A. With my parents, Wildomar. 09:42:28

16 Q. What was that? 09:42:32

17 A. At my parents' house in Wildomar. 09:42:33

18 Q. Where did you grow up? 09:42:35

19 A. Palos Verdes. 09:42:37

20 Q. And how long did you live in Palos Verdes? 09:42:39

21 A. Until I was 17. So, um, from when I was born 09:42:43

22 to when I was 17. And I moved to Hawaii. And then I 09:42:52

23 came back and lived in Palos Verdes for another 09:42:56

24 couple of years. And then I moved to Redondo Beach. 09:42:59

25 Q. And how long did you live in Hawaii? 09:43:03

1 surfing? 10:15:16

2 A. No. So, like I'm computer illiterate. I can 10:15:17

3 barely open my E-Mail. It's terrible. 10:15:21

4 Q. Do you ever get text messages asking you to 10:15:25

5 hangout at Lunada Bay? 10:15:28

6 A. No. 10:15:30

7 Q. And these texts, I'm sorry, you said phone 10:15:31

8 calls with your dad about surfing at Lunada Bay, has 10:15:39

9 he called you, would you say, in the past three 10:15:41

10 years? 10:15:43

11 A. Well, before that I wasn't surfing because I 10:15:44

12 had my injuries, but I would say in the last year 10:15:48

13 since '15, '16, there has been a couple of times 10:15:53

14 where I was at work and he would say, try to go 10:15:56

15 straight after work. 10:15:59

16 It's worth it to come down. There's surf or 10:16:00

17 I would drive by and say, dad, there are some waves. 10:16:03

18 It looks like fun. That's basically it. 10:16:07

19 Q. How long is the drive from San Pedro to 10:16:10

20 Lunada Bay? 10:16:13

21 A. Oh, it's like a good, it can be, if there's 10:16:14

22 traffic on 25th Street, sometimes it can be like a 10:16:19

23 half hour, you know, 35 minutes, but it's usually 10:16:23

24 like 15 to 20 minutes. 10:16:29

25 Q. Do you communicate with Sang Lee by cell 10:16:31

1 phone? 10:16:43

2 A. No. 10:16:43

3 Q. Have you ever texted or called him? 10:16:44

4 A. Yes. I used to work with him like a few 10:16:47

5 years ago. We would do some -- he's a roofer. And 10:16:50

6 he had some work for me. So, I worked with him so. 10:16:55

7 Q. Do you recall approximately the dates that 10:16:59

8 you worked with him? 10:17:01

9 A. The years probably, let me think, um, 10:17:02

10 probably 2013 -- well, no, no, it's before that. So, 10:17:10

11 about 2008. And then 2014 a couple little side jobs. 10:17:23

12 That's pretty much it. 10:17:36

13 Q. It's just working with him kind of 10:17:37

14 sporadically? 10:17:40

15 A. Exactly. 10:17:41

16 Q. Other than talking about roofing jobs, it 10:17:42

17 sounds like were there any other times that you 10:17:44

18 communicated with Sang Lee? 10:17:47

19 A. No, no. 10:17:48

20 Q. And that was by text or phone? 10:17:49

21 A. Phone, I believe, phone. 10:17:52

22 Q. And have you communicated with any other 10:17:55

23 Defendant by phone in the past four years? 10:18:05

24 MS. HURLEY: Objection, lacks foundation, 10:18:07

25 calls for speculation, if you even know who the 10:18:09

1 Defendants are. 10:18:13

2 THE WITNESS: Yes, can I just look? 10:18:15

3 BY MS. WOLFF: 10:18:16

4 Q. Yes, please. 10:18:16

5 A. How many years is that? 10:18:17

6 Q. In the past four years? 10:18:18

7 A. Four years -- 10:18:20

8 MS. HURLEY: For the record the witness is 10:18:20

9 referring to only the list of the Defendants on the 10:18:22

10 caption that was part of Exhibit 266. 10:18:24

11 THE WITNESS: So, that would mean that I have 10:18:28

12 talked with Sang Lee because that was in those four 10:18:30

13 years about working. 10:18:32

14 Um, I don't talk to Brant. 10:18:35

15 I haven't talked to Alan. 10:18:40

16 I don't talk to Michael. 10:18:42

17 I've talked to my Uncle Angelo. 10:18:44

18 BY MS. WOLFF: 10:18:47

19 Q. You didn't talk to your Uncle Angelo? 10:18:48

20 A. No. I've talked to Angelo. 10:18:51

21 And I've talked to my dad. 10:18:54

22 And I've talked to Nick. 10:18:55

23 Q. And when you've had discussions with your 10:18:57

24 Uncle Angelo was that about surfing at Lunada Bay? 10:19:08

25 MS. HURLEY: Objection, over broad, vague and 10:19:12

1 ambiguous. 10:19:14

2 THE WITNESS: No. It was about work. 10:19:14

3 BY MS. WOLFF: 10:19:16

4 Q. And the same question with respect to your 10:19:17

5 Cousin Nick, was it ever about surfing? 10:19:21

6 A. No. It's about work. I'm trying to have him 10:19:25

7 work with me a little bit. I'm trying to get him 10:19:29

8 work. 10:19:32

9 Q. You're trying to get your Cousin Nick some 10:19:33

10 work? 10:19:35

11 A. Yeah, a little work, yeah, so. 10:19:35

12 Q. I apologize if I have asked this before. I 10:19:40

13 don't think that I have. 10:19:46

14 Have you ever E-Mailed any Defendant in this 10:19:47

15 lawsuit related to surfing at Lunada Bay within the 10:19:49

16 past four years? 10:19:53

17 A. No. 10:19:55

18 Q. Have you ever E-Mailed any Defendant in this 10:19:55

19 lawsuit about non-locals accessing Lunada Bay in the 10:20:01

20 last four years? 10:20:06

21 A. No. 10:20:07

22 Q. Do you know if there's a day each year when 10:20:07

23 locals come together to pickup trash at Lunada Bay? 10:20:14

24 A. I've heard, I think, on Earth day. I don't 10:20:18

25 know the exact date. We just naturally just try to 10:20:23

1	THE VIDEOGRAPHER: This will mark the start	11:45:32
2	of D.V.D. two, Volume One in the continuing testimony	11:45:34
3	of Charles Ferrara.	11:45:37
4	We're back on the record at 11:45 a.m.,	11:45:39
5	Counsel.	11:45:43
6	BY MS. WOLFF:	11:45:43
7	Q. Have you ever heard of the term "takers" in	11:45:43
8	the context of surfing at Lunada Bay?	11:45:48
9	A. No.	11:45:51
10	Q. Have you ever heard of the Palos Verdes	11:45:51
11	Estates police conducting an undercover operation at	11:45:54
12	Lunada Bay?	11:45:58
13	A. No.	11:45:59
14	Q. Have you ever heard from any local surfers	11:45:59
15	who were -- have you ever heard from any local	11:46:09
16	surfers that they had heard of a planned undercover	11:46:14
17	operation at Lunada Bay?	11:46:18
18	A. No.	11:46:19
19	Q. Do you recall surfing at Lunada Bay on	11:46:20
20	February 13, 2016?	11:46:27
21	A. Yes.	11:46:29
22	Q. And you were surfing that day; is that right?	11:46:30
23	A. Yes, yes.	11:46:37
24	Q. Was there any reason in particular that you	11:46:38
25	decided to surf that day or the conditions were just	11:46:40

1 good? 11:46:45

2 A. The conditions were good. There was swell. 11:46:45

3 Q. So, did you receive a phone call or a text 11:46:47

4 message from anyone encouraging you to go to Lunada 11:46:50

5 Bay that day -- 11:46:54

6 A. No. 11:46:54

7 Q. -- or an E-Mail for that matter? 11:46:54

8 A. No. 11:46:56

9 Q. And you hung out on the patio at Lunada Bay 11:46:56

10 on that day; right? 11:47:00

11 MS. HURLEY: Objection, vague and ambiguous. 11:47:03

12 THE WITNESS: I was not hanging out. I went 11:47:05

13 to go surfing. 11:47:06

14 BY MS. WOLFF: 11:47:07

15 Q. Did you spend any time on the patio at 11:47:08

16 Lunada Bay on that day? 11:47:13

17 A. That's where I got ready near the patio to go 11:47:14

18 surfing. 11:47:18

19 Q. And do you recall what time of day that you 11:47:19

20 were there on that day? 11:47:23

21 A. It was the morning. It was like maybe 7:30 11:47:24

22 or 8:00. 11:47:30

23 Q. And at some point Alan Johnston and Brant 11:47:32

24 Blakeman were at the patio as well; is that right? 11:47:35

25 A. Yes. 11:47:38

1 Q. And when they came into the patio where were 11:47:39
2 you? 11:47:44
3 A. I was on the top side, kind of just getting 11:47:44
4 ready to go out. I put my wet suit, I had my wet 11:47:49
5 suit already on. And I was getting ready to go 11:47:53
6 surfing. I was kind of looking at the ocean seeing 11:47:56
7 where I was going to paddle out exactly. 11:48:00
8 Q. Was anyone else at the patio at that time? 11:48:03
9 A. Yes. 11:48:06
10 Q. The Plaintiff? 11:48:12
11 A. I saw the Plaintiff there, yeah. 11:48:12
12 Q. Diana Reed? 11:48:15
13 A. Yeah, I saw her and one other, another one of 11:48:16
14 her friends. 11:48:19
15 Q. Was it a female or male? 11:48:19
16 A. Yeah, a female, yeah. I was just, I saw them 11:48:21
17 and I said, hi, good morning. I didn't know who they 11:48:27
18 were, just good morning. 11:48:31
19 And then I was going surfing. And as I was 11:48:33
20 getting ready to go out, I saw Brant and Alan walking 11:48:37
21 up to the patio. 11:48:42
22 Q. And do you recall what the other woman looked 11:48:43
23 like who was with Diana Reed? 11:48:45
24 A. I believe she had darker hair. That's about 11:48:48
25 it. 11:48:52

1 Q. Do you recall if Alan Johnston was carrying a 11:48:52
2 case of beer when he was coming into the patio that 11:48:58
3 day? 11:49:01
4 A. I don't recall. 11:49:01
5 Q. Do you recall if the Defendant Johnston said 11:49:02
6 anything to Ms. Reed when he came onto the patio that 11:49:07
7 day? 11:49:10
8 A. I don't recall. 11:49:10
9 Q. Do you recall if he was being loud and 11:49:11
10 aggressive towards Ms. Reed that day? 11:49:16
11 MS. HURLEY: Objection, vague and ambiguous, 11:49:18
12 lacks foundation. 11:49:20
13 THE WITNESS: I don't recall. 11:49:21
14 BY MS. WOLFF: 11:49:22
15 Q. Do you remember if you got any impression 11:49:23
16 that Alan Johnston was trying to intimidate Ms. Reed 11:49:27
17 that day? 11:49:30
18 A. No. 11:49:30
19 Q. Did you observe Alan Johnston spray Ms. Reed 11:49:31
20 with his beer, either intentionally or 11:49:38
21 unintentionally? 11:49:41
22 A. No. 11:49:42
23 Q. And what was Brant Blakeman doing during this 11:49:43
24 time? 11:49:49
25 MS. HURLEY: Objection, vague and ambiguous, 11:49:49

1 during what time? 11:49:51

2 BY MS. WOLFF: 11:49:52

3 Q. During the time that you were on the patio? 11:49:53

4 MS. HURLEY: Objection, misstates testimony. 11:49:54

5 THE WITNESS: I don't know. I was going 11:49:56

6 surfing. I was concerned about what, how the surf 11:49:57

7 was. Like I said, where I was going to paddle out 11:50:01

8 for my safety. 11:50:06

9 I know that I only had a small time frame to 11:50:07

10 go surfing because I had to get back up to work. So, 11:50:11

11 I wasn't even concerned with -- I was just concerned 11:50:14

12 with I have got a small window here to surf. Let me 11:50:17

13 go surfing and that's it. 11:50:19

14 BY MS. WOLFF: 11:50:21

15 Q. So, do you recall if Brant Blakeman was using 11:50:22

16 a video camera to film while he was on the patio that 11:50:25

17 morning? 11:50:29

18 A. I don't recall. 11:50:30

19 Q. Have you ever seen Brant Blakeman with a 11:50:33

20 video camera to film while he's at Lunada Bay? 11:50:40

21 A. I don't recall that, no. 11:50:45

22 Q. Do you remember hearing Ms. Johnston -- 11:50:47

23 sorry. 11:50:57

24 Do you remember Alan Johnson telling Ms. Reed 11:50:57

25 that she was hot? 11:51:02

1 A. I don't recall that. 11:51:02

2 Q. Do you remember him telling Ms. Reed that she 11:51:03

3 was fucking sexy? 11:51:07

4 A. I don't recall that. I heard a couple, I 11:51:08

5 just heard like a conversation, but I was going 11:51:11

6 surfing, like I said. So, I was on the other side. 11:51:14

7 I wasn't getting involved in that at all. I 11:51:17

8 just was, I had like I said, I had a small time to go 11:51:19

9 surfing and that was it. And I was concerned about 11:51:24

10 getting out there, so. 11:51:27

11 Q. So, from where you were on the patio at the 11:51:28

12 time that Mr. Johnston and Mr. Blakeman came onto the 11:51:41

13 patio, about how far away from them were you seated? 11:51:45

14 MS. HURLEY: Objection, misstates testimony. 11:51:48

15 THE WITNESS: Um, pretty far, I mean, 11:51:52

16 probably like 20 feet. I was going surfing and they 11:51:57

17 were coming onto the patio. 11:52:02

18 And so I wasn't there, you know, maybe 11:52:03

19 20 feet for a moment of time, you know. 11:52:08

20 BY MS. WOLFF: 11:52:11

21 Q. So, how long would you say that all three of 11:52:12

22 you were on the patio at the same time? 11:52:14

23 MS. HURLEY: Objection, misstates testimony. 11:52:16

24 THE WITNESS: Um, how long would I say, gosh, 11:52:18

25 maybe five minutes. 11:52:23

1 BY MS. WOLFF: 11:52:25

2 Q. And during that five minutes were you in 11:52:26

3 approximately the same area of the patio? 11:52:30

4 A. No. I was in the top corner going surfing, 11:52:33

5 my stuff was above and they were below on the patio. 11:52:36

6 I wasn't even on the patio. I was above on the 11:52:40

7 patio. 11:52:42

8 Q. Were you sitting on the roof? 11:52:43

9 MS. HURLEY: Objection, misstates testimony. 11:52:46

10 THE WITNESS: No, not really. There's kind 11:52:47

11 of a roof, I guess. 11:52:49

12 BY MS. WOLFF: 11:52:51

13 Q. And is the distance from where you were and 11:52:52

14 where they were you said it's about 20 feet; is that 11:52:55

15 right? 11:52:57

16 A. Yeah, maybe more, maybe like 30 because they 11:52:57

17 were on the corner of the patio. And I was just 11:53:00

18 above where you go down to go surfing and so, yeah. 11:53:03

19 Q. Do you recall hearing Alan Johnston 11:53:08

20 mentioning that he saw Ms. Reed on the front of the 11:53:18

21 L.A. Times that morning? 11:53:20

22 A. No. 11:53:21

23 Q. And had you seen the L.A. Times that morning 11:53:23

24 before you had gone surfing? 11:53:29

25 A. No. 11:53:31

1 Q. Do you recall hearing Alan Johnston telling 11:53:31
2 Ms. Reed that he was big enough to get the job done? 11:53:36
3 A. No. 11:53:41
4 Q. Do you recall whether or not Mr. Johnston was 11:53:44
5 acting in a sexually suggestive manner at the time? 11:53:49
6 MS. HURLEY: Objection, calls for 11:53:52
7 speculation, calls for expert opinion testimony, 11:53:54
8 lacks foundation. 11:53:57
9 THE WITNESS: I'm not aware of that. I don't 11:53:57
10 know. 11:53:59
11 BY MS. WOLFF: 11:53:59
12 Q. Do you remember whether or not Alan Johnston 11:54:00
13 changed into his wet suit in front of Ms. Reed? 11:54:05
14 A. I'm not aware of that. I was surfing by that 11:54:09
15 time. 11:54:12
16 Q. Do you recall whether or not you saw any 11:54:12
17 police present at time of this incident? 11:54:20
18 MS. HURLEY: Objection, vague and ambiguous 11:54:23
19 as to incident, lacks foundation, calls for 11:54:25
20 speculation. 11:54:28
21 THE WITNESS: Can you rephrase that. 11:54:28
22 BY MS. WOLFF: 11:54:30
23 Q. Sure. 11:54:30
24 Were there any police down at the beach when 11:54:30
25 you were sitting on the patio that morning? 11:54:33

1 A. That morning? 11:54:35

2 Q. Right. 11:54:36

3 A. No, there was not. 11:54:36

4 Q. Were there any police at the top of the bluff 11:54:38

5 when you were there when, sorry, when you were first 11:54:41

6 arriving? 11:54:45

7 A. When I first arrived, I didn't see anybody up 11:54:45

8 there, I mean, I don't know. There could have been. 11:54:49

9 Q. Do you recall whether or not Ms. Reed 11:54:52

10 appeared frightened by her interaction with 11:55:02

11 Defendants Johnston and Blakeman? 11:55:07

12 MS. HURLEY: Objection, calls for 11:55:08

13 speculation, lacks foundation, vague and ambiguous. 11:55:09

14 MR. DIEFFENBACH: Also, assumes facts. 11:55:13

15 THE WITNESS: I'm not aware of that. 11:55:16

16 BY MS. WOLFF: 11:55:17

17 Q. And did you say anything to Defendants 11:55:18

18 Johnston or Blakeman or Ms. Reed while you were on 11:55:24

19 the patio? 11:55:27

20 A. No. 11:55:28

21 Q. Okay. 11:55:29

22 A. Besides I said, good morning, when I got 11:55:30

23 there. 11:55:33

24 Q. Other than that, you didn't speak to any of 11:55:33

25 them? 11:55:36

1 A. No. 11:55:36

2 Q. Did you say "hi" to Alan Johnston when he 11:55:36

3 walked onto the patio? 11:55:40

4 A. Did I say "hi" to them, I don't remember. I 11:55:41

5 could have said hi. That doesn't seem like too 11:55:46

6 farfetched, but I don't remember it. I was kind of 11:55:50

7 in a hurry. 11:55:54

8 I was trying to get ready, get your wet suit 11:55:55

9 on. The next thing, you know, trying to get out 11:55:58

10 there, you know, so, I was like. 11:56:01

11 Q. And when you left to go surfing, were Alan 11:56:03

12 Johnston and Brant Blakeman and Ms. Reed all still on 11:56:06

13 the patio? 11:56:09

14 A. Yes. 11:56:10

15 Q. And how long would you say that you went 11:56:11

16 surfing that morning? 11:56:21

17 A. Probably an hour and a half, two hours. 11:56:22

18 Q. And then after you were done surfing, you 11:56:27

19 came back in and did you change out of your wet suit 11:56:30

20 at some point? 11:56:34

21 A. I came back in, yes. And that's when there 11:56:35

22 were two cops down there. And where I came in was a 11:56:38

23 different spot from where I paddled out. 11:56:41

24 You can't get in there when the tide gets 11:56:44

25 lower. So, they said, this girl wanted to, we have a 11:56:47

1 couple of questions to ask you. 11:56:52

2 She said that you said some things to her. 11:56:54

3 Me and Alan have blonde hair, too. And we look kind 11:56:56

4 of similar, sure, no sweat. 11:57:00

5 And then I walked up to the point with the 11:57:02

6 two police officers and she said, oh, no, that wasn't 11:57:04

7 him. It's a different guy. So, that was basically 11:57:08

8 it. 11:57:11

9 Q. Do you recall the names of either officer? 11:57:12

10 A. I think one -- no, I don't, sorry. 11:57:14

11 Q. Can you describe what he looked like? 11:57:23

12 A. One was a younger guy, a younger officer. 11:57:25

13 And then one was a little older, you know. 11:57:30

14 Q. Do you recall what color hair they had? 11:57:34

15 A. They were both like one maybe was, was 11:57:36

16 Caucasian. And the other one was maybe Hispanic a 11:57:40

17 little bit or something. 11:57:44

18 Q. Was the younger one or the older one 11:57:45

19 Caucasian? 11:57:49

20 A. The younger one. 11:57:49

21 Q. Do you recall if -- excuse me. 11:57:51

22 Do you recall if either officer greeted you 11:57:54

23 by saying, hi, Charlie? 11:57:58

24 A. No, they didn't, no. 11:57:59

25 Q. Sorry, you don't recall or -- 11:58:00

1 A. They didn't. 11:58:03

2 Q. They didn't greet you that way? 11:58:03

3 A. No, they didn't greet me that way. 11:58:05

4 Q. And did you cooperate with the police and 11:58:07

5 tell them what you saw? 11:58:12

6 A. Yes. 11:58:13

7 Q. Did you recall what you told them? 11:58:14

8 A. I don't, I mean, just that I was going 11:58:16

9 surfing and that I said good morning to her and then, 11:58:22

10 you know, it wasn't me. 11:58:26

11 Alan and Brant, I guess, came on the patio 11:58:29

12 and I guess they had some words or an exchange of 11:58:32

13 words. And that's pretty much it what I told you 11:58:35

14 guys today so. 11:58:38

15 Q. Do you recall what the police asked you 11:58:39

16 specifically? 11:58:41

17 A. No, I don't recall. I think they, honestly, 11:58:45

18 I think they were just, she said there was some blond 11:58:49

19 hair kid that said something to her. 11:58:53

20 So, they thought, oh, you're the blonde hair 11:58:55

21 kid. She saw me, no, it's not him. And that was it. 11:58:58

22 Q. Do you remember if Alan Johnston was in the 11:59:04

23 water at the same time as you at any point that 11:59:07

24 morning? 11:59:11

25 A. I mean, I was surfing and then he came out. 11:59:11

1 There was a lot of surf. It was just one of those 11:59:15

2 days that it was a pretty good surf. 11:59:18

3 There was a lot of surf. So, I didn't 11:59:20

4 physically see him. If you're coming down to go 11:59:22

5 surfing, there are a few other spots you can surf up 11:59:25

6 the point a little bit. So, I didn't physically see 11:59:28

7 him. 11:59:30

8 Q. Do you recall seeing anyone else in the water 11:59:31

9 that morning? 11:59:33

10 A. There was like, yeah, like probably, you 11:59:35

11 know, 15 guys surfing there. 11:59:38

12 Q. Do you remember any of their names from that 11:59:40

13 morning? 11:59:43

14 A. No, I vaguely, I mean, I don't know who was 11:59:43

15 out there exactly, but there were probably like 15 11:59:47

16 guys. 11:59:50

17 Q. Do you remember seeing Brant Blakeman in the 11:59:50

18 water that morning? 11:59:54

19 A. Um, you know what, he might have, yeah, I 11:59:55

20 think that he came out eventually like towards the 12:00:00

21 end, but like I said, there was a lot of surf. And I 12:00:03

22 didn't cross paths with him too much. 12:00:05

23 But he came down to go surfing. So, he 12:00:07

24 definitely went surfing, but I don't know exactly the 12:00:10

25 time frame that he went surfing. 12:00:13

1 Q. Sure. So, aside from Brant and Alan who 12:00:14
2 possibly went surfing that morning, do you remember 12:00:19
3 anyone else who was there? 12:00:22

4 A. Do I remember, um, no, I don't. I mean, 12:00:24
5 they're just people surfing. There are probably, 12:00:32
6 yeah, not really. 12:00:38

7 Q. Fair enough. 12:00:39

8 And then at some point when the police 12:00:41
9 finished speaking with you, you told Ms. Reed that 12:00:45
10 you were sorry for what happened to her; is that 12:00:50
11 correct? 12:00:53

12 MS. HURLEY: Objection, vague and ambiguous, 12:00:53
13 lacks foundation. 12:00:57

14 THE WITNESS: I just told, um, the officers 12:00:58
15 that I apologized for them having to come down the 12:01:02
16 hill, the cliff, and go on the rocks and do all of 12:01:05
17 that. 12:01:09

18 So, maybe she overheard that and she thought 12:01:09
19 that I was saying I'm sorry to her, but I was kind of 12:01:13
20 apologizing to the cops for having to go through all 12:01:16
21 of that. 12:01:19

22 BY MS. WOLFF: 12:01:19

23 Q. So, you weren't apologizing to Ms. Reed? 12:01:19

24 A. No. I wasn't apologizing to Ms. Reed. I 12:01:23
25 don't know what happened. What would I apologize, so 12:01:26

1	whatever.	12:01:31
2	Q. Did you receive a group E-Mail about that	12:01:31
3	interaction with Ms. Reed and Alan Johnston and	12:01:35
4	Brant Blakeman at any point?	12:01:38
5	A. No.	12:01:40
6	Q. Did you receive a group text about that	12:01:40
7	incident at any point?	12:01:43
8	A. No.	12:01:44
9	Q. And did you communicate with Alan Johnston	12:01:45
10	about that incident after it occurred?	12:01:48
11	A. No.	12:01:50
12	Q. Did you communicate with Brant Blakeman after	12:01:51
13	it occurred?	12:01:55
14	A. No.	12:01:56
15	Q. And did you communicate with anybody about	12:01:56
16	the incident after it occurred aside from the police	12:01:59
17	officers?	12:02:01
18	MS. HURLEY: And aside from conversations	12:02:02
19	that you had with attorneys.	12:02:03
20	MS. WOLFF: Of course.	12:02:04
21	THE WITNESS: No.	12:02:05
22	BY MS. WOLFF:	12:02:05
23	Q. So, I want to play for you a couple of short	12:02:06
24	videos that Brant Blakeman filmed from that morning.	12:02:16
25	And I'm just going to ask you a couple of questions	12:02:22

1 A. No. I know that I've never surfed with him. 12:55:53

2 Q. And you don't think that you've ever seen him 12:55:56

3 at Lunada Bay? 12:55:59

4 A. No, I've never seen him at Lunada Bay. 12:56:00

5 Q. Okay. Do you know who Corey Spencer is, 12:56:01

6 outside of conversations with attorney? 12:56:04

7 A. I don't know him outside of conversations 12:56:06

8 with my attorney. 12:56:08

9 Q. Okay. Do you know who Ken Claypool is? 12:56:09

10 A. No. 12:56:13

11 Q. Do you know who Grace Claypool is? 12:56:13

12 A. No. 12:56:16

13 Q. Do you know who Jordan Wright is? 12:56:16

14 A. No. 12:56:19

15 Q. Have you ever been arrested? 12:56:19

16 MS. HURLEY: Objection, you can ask him if he 12:56:23

17 has ever had any felony convictions, but as to any 12:56:26

18 arrest, I'll go ahead and instruct him not to answer 12:56:29

19 as to the right of privacy. 12:56:32

20 BY MS. WOLFF: 12:56:34

21 Q. Have you ever had any convictions? 12:56:35

22 MS. HURLEY: Felony convictions is the only 12:56:36

23 response that he's giving. So, only felony 12:56:39

24 convictions you can answer. 12:56:42

25 THE WITNESS: No. 12:56:43

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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a Certified Shorthand Reporter in the State of California, certify that the foregoing pages are a true and correct copy of the original deposition of CHARLES FERRARA, taken on Friday, July 7, 2017.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 7th day of July, 2017.



Angelique Melody Ferrio
CSR No. 6979

1 REPORTER'S CERTIFICATE

2
3 I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
4 Certified Shorthand Reporter, certify:

5 That the foregoing proceedings were taken
6 before me at the time and place therein set forth, at
7 which time the witness was put under oath by me;

8 That the testimony of the witness and all
9 objections made at the time of the examination were
10 recorded stenographically by me and were thereafter
11 transcribed;


12 That the foregoing is a true and correct
13 transcript of my shorthand notes so taken.

14 I further certify that I am not a relative or
15 employee of any attorney or of any of the parties, nor
16 financially interested in the action.

17 I declare under penalty of perjury under the
18 law of the State of California that the foregoing is
19 true and correct.

20 Dated this 7th day of July, 2017.

21 (SIGNATURE WAIVED)

22
23 
24 Angelique Melody Ferrio
25 CSR No. 6979